REMARKS/ARGUMENTS

Applicants wish to thank the examiner for clarifying the rejection of claims 16 and 19 in a brief telephonic interview on January 16, 2008.

A second information disclosure statement listing foreign references cited in the ISR is submitted herewith. US 6,688,542 corresponds to DE 199 42 188 listed previously. Consideration of the references is requested, however, no additional fee for this consideration is authorized. The references were cited as background only, and do not impact patentability of the invention as presently claimed.

In order to more accurately reflect the invention, the specification has been amended throughout to change the term "filter element" to "filtered intake element". This change comports with the specification as originally filed, if read in its entirety by one skilled in the art, and is not felt to represent new matter. A discussion follows.

At the outset, the difference between filters installed in series and filters installed in parallel should be recognized. A series arrangement of filters increases the filtering without increasing the intake surface area. Providing additional filters in the series does not in any way prevent the intake filter surface from being obstructed, nor does it decrease the time before obstruction occurs. A parallel arrangement of filters, on the other hand, increases the intake surface area and therefore increases the running time between filter cleanings. The present invention deals with the problem of how to increase the intake filter surface by providing a parallel arrangement of filters, without increasing the size of the pump housing. This is done by providing additional filtered intake elements mounted on the pump housing, preferably in a hinged arrangement. The basis for this conclusion will be understood from three primary areas of the disclosure as originally filed, as will now be discussed.

I. Under the discussion of the prior art in paragraphs [0004] to [0006], applicant discusses the problem of prior art pumps wherein the filter surface is limited by the size of the pump housing. He states that the filters cannot be designed as large as one would want, so that contamination and obstruction of the filters by coarse material occurs after a predeterminable time, necessitating frequent cleaning. He states that the object of the invention is to increase the filter surface using the same housing dimensions. Merely adding a filter to a series arrangement of filters would not be consistent with solving the problem as stated in the background.

II. In the embodiment shown in Figure 1 and discussed in paragraph [0018], a filter element 17 including a pair of filter wings 17.1 and 17.2 is located remotely from the pump housing 3 and connected thereto by a hose. If the wings 17.1 and 17.2 did not serve as intake elements, they would serve no purpose in this embodiment. That is, if the wings were mere pass-through filters, they could not provide any water intake to the connector element 17.3.

Figure 1 also offers disclosure of how water flows from the wings 17.1 and 17.2 into the web 3.7 on the pump housing 3. Here it can be seen that the filter surface 3.2 and the web 3.7 have slots which will be in contact with corresponding slots in the wings 17.1 and 17.2 when the wings are hinged to the housing, as shown in Figure 2.

III. Paragraphs [0009] and [0021] state that the filter surface is tripled when the filter wings are swung out to a second position, as shown in Figure 2. This can only mean that the wings serve as additional filtered intake elements. If they were not, i.e. if they only provided a series filter when folded against the filter surfaces of the housing, the filter surface would be decreased to one-third in the position of Figure 2. So it is clearly contemplated that both surfaces of each

wing and the filter surface of the housing all serve as intake surfaces in the swung-out position of Figure 2.

The claims have been amended, and new claims are presented, reflecting the above understanding as clarified by the amendments in the specification.

Turning now to the rejections, claims 11, 13-14, and 16-20 stand rejected as anticipated by Broussard US 2003/0010691. To the extent that this rejection would be applied to any claims as presently amended, such rejection is traversed for the reasons following.

Broussard discloses an octagonally arranged series of filter screens surrounding a pump housing 23 having openings 22c. Water flows into each of eight filter chambers from an outer screen to an inner screen between a pair of partitions 6, wherein each partition is capped by a plate 6a. There is nothing to suggest an additional filtered intake element which is detachable from the pump housing. Broussard relates only to a series arrangement of filters, and in no way suggests the parallel arrangement provided by an additional filtered intake element as presently claimed.

Claims 12 and 15 stand rejected under 35 USC 103 as being unpatentable over Broussard in view of Young US 4,795,570. As applied to claims as presently amended and newly presented, such rejection is also traversed.

Young in Figure 3 discloses four hinged doors 56, 58, 60, 62 which each carry a filter element 74. In the closed position, these doors simply provide filtering before water passes into an annular chamber 72. In the open position, shown in Figure 3, they do not serve any intake function or any filtering function. As such this reference adds nothing to suggest a fountain pump having an additional filtered intake detachably mounted to a pump housing.

The claims as presently amended being definite and patentable over the art of record, withdrawal of the rejections and early allowance are solicited. If any objections remain, a call to the undersigned is requested.

It is believed that no additional fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

COHEN PONTANI LIEBERMAN & PAVANE LLP

By 

F. Brice Faller
Reg. No. 29,532
551 Fifth Avenue, Suite 1210
New York, New York 10176
(212) 687-2770

Dated: January 17, 2008